

MARIA C. ROBERTS, State Bar No. 137907  
mroberts@sheastokes.com  
RONALD R. GIUSSO, State Bar No. 184483  
rgiusso@sheastokes.com  
SHEA STOKES ROBERTS & WAGNER, ALC  
510 MARKET STREET, THIRD FLOOR  
SAN DIEGO, CALIFORNIA 92101-7025  
TELEPHONE: (619) 232-4261  
FACSIMILE: (619) 232-4840

Attorneys for HARRAH'S ENTERTAINMENT, INC. and *Specially Appearing* Defendants  
HARRAH'S OPERATING COMPANY, INC.; HARRAH'S MARKETING SERVICES  
CORPORATION; HARRAH'S LAUGHLIN, INC.; HARRAH'S LICENSE COMPANY, LLC;  
and HBR REALTY COMPANY, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JAMES M. KINDER,  
  
Plaintiff,  
  
vs.

HARRAH'S ENTERTAINMENT, INC.;  
HARRAH'S OPERATING COMPANY, INC.;  
HARRAH'S MARKETING SERVICES  
CORPORATION; HARRAH'S LICENSE  
COMPANY, LLC; HARRAH'S LAUGHLIN,  
INC.; HBR REALTY COMPANY, INC. and  
DOES 1 through 100, inclusive,  
  
Defendants.

CASE NO. 07-CV-2132-DMS (AJB)  
[Consolidated with 07 CV 2226 DMS (POR)]

Judge: Hon. Dana M. Sabraw  
Mag. Judge: Hon. Anthony J. Battaglia

Action Date: October 2, 2007

DECLARATION OF RONALD R. GIUSSO  
IN SUPPORT OF REPLY OF HARRAH'S  
ENTERTAINMENT, INC. TO MOTION TO  
DECLARE PLAINTIFF A VEXATIOUS  
LITIGANT AND FOR AN ORDER  
REQUIRING PLAINTIFF TO POST A  
BOND IN THE AMOUNT OF \$75,000

Date: April 25, 2008  
Time: 1:30 p.m.  
Courtroom: 10

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1 I, Ronald R. Giusso, declare:

2  
3 1. I am an attorney duly admitted to practice before this Court. I am an attorney with  
4 Shea Stokes Roberts & Wagner, ALC, attorneys of record for Defendant Harrah's Entertainment,  
5 Inc. If called as a witness, I could and would competently testify to all facts within my personal  
6 knowledge except where stated upon information and belief.

7  
8 2. This declaration is submitted in support of Harrah's Entertainment, Inc. and  
9 *Specially Appearing* Defendants' Reply to Motion to Declare Plaintiff a Vexatious Litigant and for  
10 an Order Requiring Plaintiff to Post a Bond in the Amount of \$75,000.

11  
12 3. KINDER's profession is the filing of lawsuits based on his (619) 999-9999 pager  
13 number. A review of the numerous lawsuits filed by KINDER discussed in this motion reveals  
14 not a single case was tried on the merits in San Diego County.

15  
16 4. KINDER placed a want-ad in May 2006: "Local business has immediate opening  
17 for recent admittee for civil litigation. Must be aggressive. Fax resume to 619-295-1401." The  
18 fax number belongs to JAMES M. KINDER and is the same fax number used by Attorney Austin  
19 on his pleadings in this action. I read and reviewed this ad following a background check on  
20 KINDER's fax number.

21  
22 5. I am aware that Mr. Kinder has been recently incarcerated in San Diego County for  
23 an undetermined period of time.

24  
25 6. Attached hereto as Exhibit 29 is a true and correct copy of the Union-Tribune  
26 article regarding JAMES M. KINDER, dated February 12, 2007.

1           7. Attached hereto as Exhibit 30 is a true and correct copy of the want-ad posted by  
2 KINDER in the San Diego Daily Transcript, from May 2006.

4 I declare under penalty of perjury that the foregoing is true and correct, and that this  
5 declaration was executed by me on April 18, 2008 at San Diego, California.

s/Ronald R. Giusso  
Ronald R. Giusso

# EXHIBIT 29

**By Ray Huard**  
UNION-TRIBUNE STAFF WRITER

**February 12, 2007**

A San Diego police officer has won a \$900,000 judgment against a La Jolla man for repeatedly harassing her – the second time she has successfully sued him.

This time, traffic Officer Dona Loshonkohl Hufford prevailed because James Kinder showed up and stared at her as she cradled her dying boyfriend in her arms after a traffic accident. Hufford has had a restraining order against Kinder since 2002.

“If it was that one isolated event, there would be nothing wrong with it,” said Hufford’s lawyer, Dan Zeidman. “You look at the historical perspective, this was the culmination of a chain of events.”

The case, decided last month, is one of the rare instances in which San Diego police officers have sued members of the public.

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Kinder’s animosity toward Hufford dates to 1998, when Hufford was part of a police team trying to clean up Midtown, Zeidman said. The team impounded and cited illegally parked cars.

Kinder, the owner of a rental car agency, argued with Hufford after he got 26 citations.

Then, he began filing complaints against her – most suggesting she was harassing him.

Hufford sued Kinder in 2001 for harassment. Internal police investigators and a Superior Court jury found Kinder’s complaints to be baseless. The jury awarded her \$350,000. The judge overseeing the case, William Howatt, wrote: “The plain and simple truth is that not one of Kinder’s complaints was a legitimate and honestly made complaint.”

Hufford and Kinder declined to be interviewed for this story.

In the most recent incident, an El Cajon Superior Court jury found that Hufford was subjected to “outrageous” behavior from Kinder on April 15, 2003.

Hufford’s boyfriend, fellow police Officer Gerald Griffin, had stepped into the street to wave over a driver for speeding on Garnet Avenue in

Pacific Beach when he was hit by a car.

Hufford arrived moments later and ran to Griffin's aid. She held him and waited for paramedics to arrive. Glancing up, she saw Kinder staring at her from across the street.

Kinder said in court documents that he routinely walks along Garnet Avenue and approached the crash "to comfort" the driver of the car that struck Griffin. He said that Hufford arrived after he did and that he was unaware that Griffin was Hufford's boyfriend.

Hufford, in her lawsuit, contended that Kinder's presence was not accidental but part of a pattern of harassing behavior in which he would follow her and show up at her work.

The jury found that Kinder acted "with reckless disregard" to the likelihood that Hufford would "suffer emotional distress" at the sight of him near the accident scene.

"The whole idea of this was to stop his behavior, and I'm hoping this will do it," Zeidman said.

Kinder said in court documents that police have ganged up on him because he "has had the audacity to call into question their practices and proceedings."

A former lawyer, Kinder represented himself in court, though he hasn't practiced since 1975, according to state records.

Court battles between Kinder and Hufford might not be over.

Kinder appealed the 2001 judgment, but the Fourth District Court of Appeal upheld the verdict, and the California Supreme Court and the U.S. Supreme Court refused to hear it. Kinder has filed a new appeal in federal court.

Last year, Kinder paid Hufford \$515,054 – the amount of the original verdict plus interest, Zeidman said.

It is rare for San Diego police officers to sue members of the public for harassment, said Bill Nemec, president of the San Diego Police Officers Association.

In December 1995, Officer Bill Farrar collected \$33,000 as a settlement of a slander suit he filed in 1993 against a La Jolla woman he had arrested for drunken driving.

The woman complained to Farrar's superiors that he had roughed her up and acted unprofessionally. A videotape of the arrest showed otherwise.

In March 1997, a San Diego police officer lost a small-claims lawsuit against a woman who had filed a complaint claiming that he had mistreated her and wrongly arrested her for being drunk in public.

Officer Paul Rorrison was one of two officers who drove the woman from a rock concert at the former San Diego Sports Arena to a downtown detoxification center Oct. 28, 1995. Rorrison sued the

woman for filing a false complaint.

A small claims magistrate denied Rorrison's \$5,000 claim. He ruled that Rorrison hadn't been damaged because an internal police investigation cleared Rorrison and officers should expect to have some complaints filed against them as part of their job.

EXHIBIT 30



**ATTORNEY**

**Unnamed Company, San Diego**

**Source: Daily Transcript**

Local business has immediate opening for recent admittee for civil litigation. Must be aggressive. Fax resume to 619-295-1401.